

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

BAREND OBERHOLZER,

Petitioner,

v.

WARDEN,

Respondent.

Case No. 3:24-cv-1277-SB

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case on September 11, 2024. Judge Beckerman recommended that this Court dismiss the Petition for Writ of Habeas Corpus and deny as moot all pending motions. No party has filed objections.

Under the Federal Magistrates Act (“Act”), the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act],

intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Rule 72(b) of the Federal Rules of Civil Procedure recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, the Court follows the recommendation of the Advisory Committee and reviews Judge Beckerman’s Findings and Recommendation for clear error on the face of the record. No such error is apparent.¹

The Court ADOPTS Judge Beckerman’s Findings and Recommendation, ECF 6. The Court DISMISSES the Petition for Writ of Habeas Corpus, ECF 1, and DENIES AS MOOT all pending motions.

IT IS SO ORDERED.

DATED this 24th day of June, 2025.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge

¹ The Findings and Recommendation identifies differences between the medical records submitted by Petitioner in this case and those submitted by the United States in the underlying case in the United States District for the Southern District of New York. Footnote 2 of the Findings and Recommendation states that the medical records that Petitioner submitted “are not accurate reproductions.” The Findings and Recommendation does not explain how it reached the conclusion that Petitioner’s records were inaccurate, and the Court does not adopt this statement.